

**COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹**

Docket No. 08-578

Appellant(s): Michael Staiti vz. Appellee(s): City/Town of West Boylston
Mark Brodeur

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 101.4, Tables 602 and 707.1, 709.4, 310.5 and 903.2.1, for Hillside Village (9 units total), West Boylston, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on June 5, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. Others were present as well as indicated on the sign in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 101.4, Tables 602 and 707.1, 709.4, 310.5 and 903.2.1, based on the testimony, which indicated that the fire resistant rating between the units does comply with the current code requirements but that the installation of the fire protections system is an adequate alternative. The motion noted also that the West Boylston Building Official did not object to the granting of this variance as noted in his email correspondence dated June 2, 2008, and that the compliance alternative needs to be approved at the local level to ensure it meets the requirements of NFPA 72. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 101.4, Tables 602 and 707.1, 709.4, 310.5 and 903.2.1, is hereby granted and so ordered² on this date: June 5, 2008.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.